

described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

To support this position, applicants submit herewith the Declaration Under 37 C.F.R. 1.132, wherein each of the inventors acknowledge that all of the applicants are also the authors of the cited article. Particularly, it is noted Mr. Craig Eldershaw was not listed as an author of the cited paper.

The Declaration explains that Mr. Eldershaw did in fact participate in generation of the subject matter of the article in question, but through inadvertent oversight did not have his name included as a co-author.

It is noted that each of the inventors, including an inventor no longer with the subject company, have executed this Declaration.

For the foregoing reason, it is believed the attached Declaration provides facts which show the intent of Mr. Eldershaw as an author.

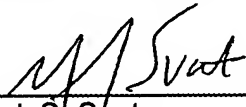
For the foregoing reasons, it is submitted the cited article is an improper reference.

As no other art has been cited to reject the present claims, it is respectfully submitted all claims (1-20) are in condition for allowance. An early notice to that effect is therefore earnestly solicited.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

June 11, 2004  
Date

  
\_\_\_\_\_  
Mark S. Svat  
Reg. No. 34,261  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582

Attachment: Declaration Under 37 C.F.R. 1.132

N:\XERZ\200441\KMF0004309V001.DOC